IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.7148 OF 2005

Deepak Janardhan Shinde Applicant
versus
State of Maharashtra Respondent

U.P.Warunjikar for applicant.
K.V.Saste, APP for respondent.

CORAM : S.C.DHARMADHIKARI, J.
DATE : 21st November 2005
PC :

1. Heard learned counsel for both the sides.

2. The accused applicant is arrested in connection with C.R.No.115/2005 registered under sections 302, 323 R/W 34 of IPC at Haveli Police Station. The FIR which is lodged on 29th April 2005 by one Pandurang Ukirde states that the deceased and the applicant are residing in the same village. It appears that there was some quarrel between two groups on account of a loud speaker being played by the deceased. On 28th April 2005 it is alleged that the applicant attacked the deceased with a sword. The friend of deceased Shahnavaz was also present and he was also assaulted by other accused. The deceased was taken to hospital where he was declared as dead. The applicant was arrested on the same

day.

3. Now, the charge sheet is filed and Mr.Varunjikar submits that investigation being completed, the application made for enlarging the applicant on bail be considered in these circumstances.

4. It is not disputed before me by Mr.Varunjikar that the applicant has been named by the complainant as well as friend of the deceased Shahnavaz. The role attributed to him is that he was carrying a sword in his hand and along with co-accused, he assaulted the deceased with the sword. In fact, the applicant had the sword in his hand and he was assaulting the accused. This allegation of all the three persons namely the complainant, friend of deceased Shahnavaz and other resident of the village Shalu is serious in nature. The role that is attributed to the applicant is of assaulting by sword. The charge being serious and prima facie case being disclosed, no case for bail is made out. Even otherwise, the case stood adjourned for framing charges. It is expedited. In these circumstances, the application does not deserve to be granted. It is accordingly rejected.

(S.C.DHARMADHIKARI, J.)